IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4952 of 2005

Between:

Vairagare Prabhakar Rao S/o. Vaman Rao
R/o. 10-160, Shivaji Wada, Asifabad, Adilabad District.

... PETITIONER

AND

The Special Deputy Collector, Land Acquisition Officer and revenue Divisional Officer, Utnoor, Adilabad District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, Order or Direction(s) essentially in the nature of writ of Mandamus or any other appropriate writ, Order or Direction directing the Respondent herein to refer the matter covering Survey No. 19 situated at Pedakunta, Tirgani mandal, Adilabad District Under Section 18 of the Land Acquisition Act, by including the name of the petitioner herein in Column No. 13 (Nature of Persons interested) by recalling the earlier reference made through proceedings No. C/156/95, dt. 7-4-1997 to the Court.

Counsel for the Petitioner: MR.SATISH DESHPANDEY

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

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THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.4952 OF 2005

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ORDER :

The petitioner claims to be owner of different extents of land situated in Sy.Nos.9, 10, 19 & 21 of Pedakunta village of Tiryani Mandal, Adilabad District. He states that the said land was acquired for the submergence under Vattivagu Project. In pursuance of notices issued under Sections 9(3) and 10 of the Land Acquisition Act, 1894 (for short, 'the Act'), the petitioner states that he filed his claim petitions claiming that he alone is entitled for compensation. Award was passed on 7-4-1997 and the petitioner received the compensation under protest. Thereafter, on 18-5-1997 he filed applications under Sections 18 and 30 of the Act seeking reference. Alleging that the respondents failed to refer the matter, the petitioner earlier filed W.P.No.34782 of 1997, which was dismissed by this Court recording the statement of the learned Government Pleader that the application of the petitioner has already been referred to the jurisdictional Civil Court.

It is not in dispute that the matter was referred to the Civil Court by proceedings dated 7-4-1997. However, the grievance of the petitioner is that so far as Sy.No.19 is concerned, his name has not been reflected in Column No.13 of reference which shows the names of the persons interested and therefore he lost his opportunity to prove his title in respect of Sy.No.19. The petitioner states that though he made a representation before the respondent requesting to rectify the discrepancy, there was no response. The petitioner further states that O.P.No.43 of 1999 relating to Sy.No.19 is pending before the Subordinate Judge, Asifabad and that the learned Judge is likely to proceed with the case without hearing him. Hence, this writ petition seeking a Writ of Mandamus directing the respondent – Special Deputy Collector to

refer the matter covering Sy.No.19 of Pedakuna village under Section 18 of the Act by including his name in Column No.13 by recalling earlier reference made vide proceedings dated 7-4-1997.

Since admittedly the petitioner was a party to proceedings before the Land Acquisition Officer and since a reference under Section 18 of the Act has already been made and the proceedings are pending before the Competent Court, even assuming that the petitioner is a person interested, he ought to have taken appropriate steps before the Civil Court for impleadment. Without taking such steps, it is not open to him to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Hence, the relief as prayed for cannot be granted.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to take appropriate steps before the learned Subordinate Judge, Asifabad, Adilabad District in O.P.No.43 of 1999, pending on his file, for redressal of his grievance. No costs.

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14th March, 2005.

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ASSISTANT REGISTRAR

To

1. The Special Deputy Collector, Land Acquisition Officer and revenue Divisional Officer, Utnoor, Adilabad District.

2. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

3. Two C.D. copies.